REMARKS

This Request for Reconsideration is in response to the Final Official Action dated April 30, 2008. Claims 1, 14, 27-30, 32-43, 45-46, 48-52, 78, and 95-115 remain pending in this application. Claims 1, 14, 27, 40, 78, 95, and 105 are independent claims. Reconsideration and allowance is requested in view of the following remarks. No new matter has been added.

Rejections under 35 U.S.C. § 102/103

Claims 27-30, 32-39, and 95-104 have been rejected under 35 U.S.C. § 102 over U.S. Patent No. 5,953,506 to Kalra et al. ("Kalra")

Claims 1, 14, 27-30, 32-43, 45, 46, 48-52, 78, and 105-115 have been rejected under 35 U.S.C. § 103 over Kalra in view of Applicant's Admitted Prior Art ("AAPA").

Fig. 1

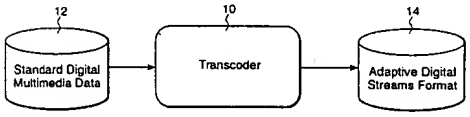

Fig. 2A

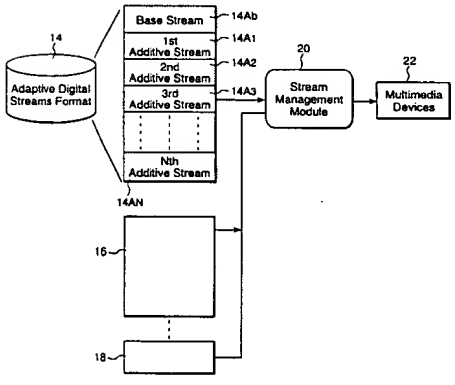

Fig. 2A of Kalra illustrates a Scalable Media Delivery System. Kalra discloses a system adapted to adjust a media stream transmitted to a client based on a client profile, which may include data relating to the client's data bandwidth and processing capabilities. Element 14A, in Fig. 2A, illustrates an Adaptive Digital Stream. Fig. 1 illustrates that this adaptive stream is produced by transcoder 10 from a Standard Digital Media 12. The Adaptive Digital Stream 14 includes a Basic Stream 14Ab having the essential portions of the data, and a series of Additive Streams 14A1-14AN which augment the Basic Stream 14Ab and are made available to the client based on the client profile. The media streams may include 3D, audio, or video streams tailored based on the client profile. Standard Digital Media 12 will generally be MPEG data, while the 3D stream is generally modified VRML.

AAPA discloses functionality similar to that disclosed in Kalra. Particularly, the AAPA recognizes the use of technology to modify data streams to conform with client bandwidth and/or processing power. However, like Kalra, AAPA fails address the problem of displaying the reduced resolution media within a scene description tailored for regular resolution data. For example, while a given scene may display ideally with a full resolution media stream, when the media stream bit-rate is reduced, the media no longer displays properly, instead revealing blurred regions and reduced fidelity. The present application overcomes this problem by adjusting the scene description to compensate for the reduced media stream. For example, when video resolution is reduced, the scene description compensates by reducing the screen space allocated to the video.

Claim 1 recites:

> *A data transmission system comprising:*
>
> *a transmitting apparatus that transmits a scene description; and*
>
> *a receiving apparatus that constructs a scene according to the scene description;*
>
> *wherein the transmitting apparatus comprises:*
>
> *an elementary stream (ES) processing means that transfers at least one ES, which conforms to at least one of a transmission line state and a request issued from the receiving apparatus,*
>
> *a scene description processing means that transfers and modifies a scene description to conform to a corresponding quality of the at least one ES from the ES processing means by adjusting the properties assigned to the ES within the scene description, and*
>
> *wherein the transmitting apparatus appends time information to the at least one ES and the scene description; and*
>
> *wherein the receiving apparatus monitors the time information sent from the transmitting apparatus and detects a delay in transmission using the time information.*

With respect to claim 1, Karla fails to teach or suggest "*an elementary stream (ES) processing means that transfers at least one ES, which conforms to at least one of a transmission line state and a request issued from the receiving apparatus, [and] a scene description processing*

means that transfers and modifies a scene description to conform to a corresponding quality of the at least one ES from the ES processing means by adjusting the properties assigned to the ES within the scene description."

Claim 1 discloses that the transmitting apparatus comprises an elementary stream (ES) processing means and a scene description processing means. The elementary stream (ES) processing means "*transfers at least one ES, which conforms to at least one of a transmission line state and a request issued from the receiving apparatus.*" The scene description processing means "*transfers and modifies a scene description to conform to a corresponding quality of the at least one ES from the ES processing means.*" As such, the claims distinguish the elementary stream from the scene description, in that the scene description is modified "*to conform to a corresponding quality of the at least one ES.*"

In rejecting the ES processing means the Final Office Action recites:

- a scene description processing means that transfers and modifies a scene description to conform to a corresponding quality of the at least one ES from the ES processing means by adjusting the properties assigned to the ES within the scene description (col. 19,1. 47-64; col. 21, 1. 61-67; col. 22, 1. 37-53; & Fig. 17).

The cited portion of Kalra, from column 19-21 refers to the modifications made to a VRML format to create an adaptive stream (see Fig. 1). Columns 19-21 discuss how a 3D media stream originates as VRML media and is converted into a 3-D Adaptive Media Stream by the flowchart process shown in Fig. 17. In setting forth the argument that claim 1 is obviated by Kalra, the Office Action mistakenly attempts to imply that the VRML format is separate from the adaptive media stream, whereas columns 19-21 explain that the VRML format becomes the Adaptive Media Stream. This is further illustrated in Fig. 17, which shows a flowchart of the transcoding process for converting a VRML format into an adaptive stream format, furthering the process illustrated in Fig. 1.

The claim recites "*a scene description processing means that transfers and modifies a scene description to conform to a corresponding quality of the at least one ES []* ***by adjusting the properties assigned to the ES within the scene description.***" This language distinguished the scene description from the media stream and identifies the media stream as having properties assigned to it within the scene description. As such, two pieces of data (i) the elementary stream and (ii) the scene description are recited.

This relationship is wholly absent in Kalra, where in columns 19-21, the VRML media is the media stream being modified. There is no second object being modified to account for the modified VRML data, and the VRML data is not modified to adjust the properties of another media stream. Instead, the VRML is modified to match a user profile. This is similar to the earlier portions of Kalra that discuss modifying an MPEG video stream based on the client profile.

Nowhere does Kalra identify a separate element comparable to the scene description.

AAPA does not remedy the deficiencies of Kalra because, like Kalra, AAPA only discloses a mechanism to modify the media stream itself to reduce bandwidth or bit-rate to account for the limitations of the client device. Like Kalra, AAPA does not discuss the modification of the scene description to compensate for the changes to the media stream. On the contrary, it is this very deficiency in the prior art that the present application seeks to remedy.

Accordingly, neither Kalra nor AAPA either alone or in any proper combination teach or suggest the features of claim 1.

Claim 33 recites:

> A data transmitting apparatus according to Claim 27, further comprising:
>
> wherein the scene description processing means transfers a scene description that specifies whether the at least one ES is to be used to construct a scene are used or not.

For similar reasons to those set forth above, neither Kalra not AAPA teach or suggest "*wherein the scene description processing means transfers a scene description that specifies whether the at least one ES is to be used to construct a scene are used or not.*"

The Office Action cites to columns 21-22 of Kalra as the basis for rejecting claim 33. However, as before, this rejection fails to distinguish between the scene description and the elementary stream. Columns 21-22 discuss the process by which the VRML media becomes an Adaptive Media Stream. This adaptive stream data allows for a reduced data stream to be sent to the client. However, Karla is deficient with respect to the "scene description." That is, there is no scene description, that is separate from the media stream, that is sent to the client or that is modified based on the media stream.

Even if Karla and AAPA were combinable (which is not admitted), Applicant submits that the combination would fail to teach or suggest a media stream and scene description where "*an elementary stream (ES) processing means that transfers at least one ES, which conforms to at least one of a transmission line state and a request issued from the receiving apparatus, [and] a scene description processing means that transfers and modifies a scene description to conform to a corresponding quality of the at least one ES from the ES processing means by adjusting the properties assigned to the ES within the scene description.*"

Instead, a combination of Kalra and AAPA would necessarily yield a system that is similar to what Kalra already does, i.e., produce and modify media streams based on user profiles and/or bandwidth. This is because the problems and solutions provided by Karla and AAPA are both very similar, in that both simply provide an adjusted media content. However, neither teaches or suggests modifying a scene description to account for changes to the media stream.

Since even a combination of the relied upon references would still fail to yield the claimed invention, Applicant submits that a prima facie case of obviousness for claims 1 and 33 has not been presented. Applicant also notes that the offered combination appears to be a (failed) attempt to

reconstruct the claimed invention in hindsight, as there is no basis to combine Kalra and AAPA to produce the present claimed invention.

For the reasons stated above, claims 14, 27, 40, 46, 78, 95, 98, 105 and 109 also overcome the Kalra and AAPA. Furthermore, at least for the reason disclosed above, claims 28-30, 32-39, 41-43, 45, 48-52, 96, 97, 99-104, and 106-115, overcome the combination of Kalra and AAPA because they depend on independent claims 27, 40, 78, 95, or 105.

CONCLUSION

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. SON-2196 from which the undersigned is authorized to draw.

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Respectfully submitted,

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